

6.0 LAWS, ORDINANCES, REGULATIONS AND STANDARDS (LORS)

6.1 INTRODUCTION

This section provides a description of the laws, ordinances, regulations, and standards (LORS) that are or may be applicable to the pep. The LORS are presented by topic and organized into federal, state, local, and industry codes/standards where applicable. Table 6.5-1, at the end of this section, summarizes the applicable LORS.

6.2 PROJECT ENGINEERING DESIGN AND CONSTRUCTION

6.2.1 Engineering Geology

Unless specifically stated otherwise, the design of all structures and facilities will be based on the laws, ordinances, codes, specifications, industry standards and regulations, and other reference documents in effect at the time of design. Applicable codes and industry standards with respect to the project's engineering geology are summarized in sections of Appendix D-1, "Foundations and Civil Engineering Design Criteria," and Appendix D-2, "Structural and Seismic Engineering Design Criteria."

6.2.2 Civil and Structural Engineering

Unless specifically stated otherwise, the design of all structures and facilities will be based on the laws, ordinances, codes, specifications, industry standards and regulations, and other reference documents in effect at the time of design. Applicable codes and industry standards with respect to the project's engineering design criteria, construction and operation are summarized in Appendix D-1, "Foundations and Civil Engineering Design Criteria," and Appendix D-2, "Structural and Seismic Engineering Design Criteria."

6.2.3 Mechanical Engineering

Unless specifically stated otherwise, the design of all structures and facilities will be based on the laws, ordinances, codes, specifications, industry standards and regulations, and other reference documents in effect at the time of design. Applicable codes and industry standards with respect to the project's mechanical engineering design criteria, construction, and operation are summarized in Appendix D-3, "Mechanical Engineering Design Criteria." Applicable sections of Appendix D-4, "Control Systems Engineering Design Criteria," will also be considered.

6.2.4 Electrical Engineering

Unless specifically stated otherwise, the design of all structures and facilities will be based on the laws, ordinances, codes, specifications, industry standards and regulations, and other reference documents in effect at the time of design. Applicable codes and industry standards with respect to the project's electrical engineering design criteria, construction and operation are summarized in Appendix D-5, "Electrical Engineering Design Criteria." Applicable sections of Appendix D-4, "Control Systems Engineering Design Criteria," will also be considered.

6.3 PROJECT DESIGN AND OPERATION

6.3.1 Power Plant Reliability

The following LORS are applicable to the proposed Palomar Energy Project in the context of power plant reliability and availability, which are addressed in Section 4.3.

6.3.1.1 Industry Codes and Standards

Currently, there are no industry codes or standards that govern power plant reliability; however, there are trade organizations and associations that are generally recognized as authorities and leaders in the field of power plant availability and reliability. Definitions used by these organizations have become generally accepted as a common means of communicating and the data published have been found to be useful. The organizations are:

- The Electric Power Resource Institute (EPRI). copies of reports can be obtained from the Research Reports Center:
3412 Hillview Avenue
Palo Alto, California 94304-1395
(650) 855-2000
- North American Electric Reliability Council (NERC) Research Park:
Princeton Forrestal Village
116-390 Village Blvd.
Princeton, New Jersey 08540
(609) 452-8060

Yearly and 10-year average data are reported in "Generating Availability Data System Reports".

6.3.1.2 Palomar Energy Project Compliance with Power Plant Reliability LORS

As further described in Section 4.3, the Palomar project will be designed for reliable operations for an expected project life of 30 years. To create and maintain reliable operations the project will include a maintenance program, equipment redundancy, dependable fuel source with backup pipeline supplies, and reclaimed water supplied by the City of Escondido, which has ample water from its Hale Avenue Resource Recovery Facility (HARRF).

6.3.2 Public/ Worker Safety and Health Protection

The following LORS are applicable or potentially applicable to the proposed project in the context of the public and occupational safety and health protection issues addressed in Sections 5.12 (Hazardous Materials Handling), 5.14 (Worker Safety), and 5.15 (Public Health). LORS applicable or potentially applicable in the context of transmission lines safety and nuisance concerns are not presented in this AFC because the Palomar project will utilize existing transmission lines and there will be no new transmission line construction required. Other LORS generally serving to promote worker and public safety and health during design and construction are identified in Section 6.3 (Project Design and Construction) above.

6.3.2.1 Federal Authorities and Administering Agencies

Occupational Safety and Health Act of 1970 (OSHA), 29 USC § 651 *et seq.*; 29 Code of Federal Regulations §§ 1910 *et seq.*; and 29 CFR § 1926 *et seq.* This authority establishes occupational safety and health standards (§ 1910) [i.e., permissible exposure limits for toxic air contaminants (§ 1910.1000), electrical protective equipment requirements (§ 1910.137), electrical worker safety standards (§ 1910.269), the requirement that information concerning hazards associated with use of all chemicals is transmitted from employers to employees (§ 1910.1200)], and safety and health regulations for construction (§ 1926). Subpart I of § 1910 and Subpart E of § 1926 address worker personal protective equipment.

Under the Operational Status Agreement of October 5, 1989 between the Federal Occupational Safety and Health Administration (Fed-OSHA) and the California Department of Industrial Relations, Division of Occupational Safety and Health (DOSH), the state resumed full enforcement responsibility for most of the relevant federal standards and regulations, (55 Fed. Reg. 18610 (July 12, 1990); 29 CFR § 1952.172). Federal OSHA has retained concurrent enforcement jurisdiction for certain federal standards including those standards relating to hazardous waste [29 CFR § 1910.120 (Id.)].

The administering agencies for the above authority are Fed-OSHA and DOSH (Cal-OSHA).

Department of Labor, Safety and Health Regulations for Construction Promulgated Under § 333 of the Contract Work Hours and Safety Standards Act, 40 USC 327 *et seq.* The code establishes safety and health regulations for construction. The requirements for this regulation are addressed in Title 8 California Code of Regulations, Chapter 4, Subchapter 4, General Construction Safety Orders.

The administering agencies for the above authority are Fed-OSHA and Cal-OSHA.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 42 USC § 9601 *et seq.*; 40 CFR Part 302. CERCLA prescribes notification requirements for any release of a reportable quantity of a hazardous substance, and notification of potential injured parties in connection with any release.

The administering agencies for the above authorities are the National Response Center and the Environmental Protection Agency, Region IX.

Emergency Planning and Community Right to Know Act of 1986 (EPCRA), 42 USC §11001 *et seq.*; 40 CFR Parts 350, 355, and 370. This Act prescribes national inventory, reporting, and planning requirements with respect to “hazardous chemicals” and “extremely hazardous substances” as defined under federal law. The California Certified program is described below.

The administering agencies for the above authority are the California Office of Emergency Services and the San Diego County Department of Environmental Health.

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6.3.2.2 State Authorities and Administering Agencies

California Labor Code Div. 5 Parts 1, 3, 6, 7; Title 8. These authorities prescribe general occupational safety and health regulations and standards in addition to the construction and industrial safety regulations, standards, and orders identified within the engineering categories addressed in Section 5.14, Worker Safety, of this AFC. The Palomar Energy Project will comply with all applicable sections of 8 CCR, Chapter 4, Subchapter 7 and the California Building Code (see Table 6.3-1).

The administering agency for the above authority is Cal-OSHA.

Table 6.3-1 Potentially Applicable Occupational Safety and Health Topics Prescribed by Title 8 CCR

Standard	Description
Occupational Safety and Health Standards 401 – 428	Definitions
	Administration
	Variances
	Appeals
	Officers
	Hearing Board
General Industry Safety Orders Title 8, Sections 3200 – 6184	Employee / Employer Communications
	Injury and Illness Prevention Program
	Emergency Action Plan
	Fire Prevention Plan
	Hazardous Materials
	Control of Hazardous Substances
	Hazard Communication
	Emergency Medical Procedures
	Personal Protective Equipment
	Airborne Contaminants
	Signs, Tags, Barriers
	Noise Levels
	Ventilation
	Flammable / Combustible Materials Handling and Storage
	Fire Protection Systems
	Machine Guarding
	Crane and Hoist Operation
	Heavy Equipment and Machine Operation
	Rigging
	Sanitary Facilities
	Traffic Safety

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Table 6.3-1 Potentially Applicable Occupational Safety and Health Topics Prescribed by Title 8 CCR (Cont'd)

Standard	Description
General Industry Safety Orders Title 8, Sections 3200 – 6184 (continued)	Interface with other Contractors Miscellaneous Hazards, including hot pipes, compressed air system, relief valves, pipelines, loading docks
General Construction Safety Orders High Voltage Electrical Safety Orders Title 8, Sections 1500 – 1938	Construction Accident Prevention Plan Weekly Toolbox Meetings Traffic Accidents and Earth Moving Hoist Equipment Reinforcing Concrete Fall Protection and Scaffolding Electrical Installations Evacuation Plan and Procedures Fire Safety Airborne Contaminants Emergency Medical Procedures Personal Protective Equipment Hand and Power Tool Use Crane and Hoist Operation Pile Driving Illumination Housekeeping Excavations
Electrical Safety Orders Title 8, Sections 2299 – 2974	High Voltage Installation, Operation and Maintenance Low Voltage Hazards High Voltage Hazards
Unfired Pressure Vessel Safety Orders Title 8, Sections 450-560	Design and Construction Air Tanks Pressure Vessels other than Air Tanks LP Gas Systems Anhydrous Ammonia Safe Practices
Boiler and Fired Pressure Vessel Safety Orders Title 8, Sections 750-797	Design and Construction Installation Inspection Operation Repairs

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California Public Resources Code § 25523(a); 20 CCR 1752-1752.5, 2300-2309, and Division 2, Chapter 5, Article 1, Appendix B. To assist in its evaluation of the potential public health impacts of a project, the CEC requires the preparation of a quantitative public Health Risk Assessment for the aqueous ammonia proposed for use in the plant's selective catalytic reduction system that will be installed to control air emissions.

The administering agency for the above authority is the CEC.

California Health and Safety Code § 25500 to 25541; 19 CCR §§ 2720 - 2734. This code establishes inventory, reporting, business, and area planning requirements with respect to hazardous and acutely hazardous materials in accordance with the federal Emergency Planning and Community Right-to-Know Act of 1986. Generally, it requires that any business that handles a hazardous material or mixture, in amounts greater than specified thresholds, establish and implement a business plan for emergency responses to a release or threatened release of the hazardous material or mixture.

The administering agencies for the above authority are the California Office of Emergency Services and the City of Escondido Fire Department.

California Health and Safety Code, Part 6, § 44300 et seq. The law requires that facilities which emit prescribed quantities of a criteria pollutant and which emit any quantity of a toxic air contaminant provide the local Air Pollution Control District an inventory of toxic emissions. Such facilities may also be required to prepare a quantitative Health Risk Assessment.

The administering agencies for the above authority are the California Air Resources Board (ARB) and the San Diego County Air Pollution Control District.

California Health and Safety Code § 25500 et seq.; Title 19, Division 2, Chapter 4.5. This authority establishes the California Accidental Release Prevention (CalARP) Program, which merges the federal and state programs for the prevention of accidental release of toxic and flammable substances. This streamlined process eliminates the need for two separate risk management programs to comply with the federal and state requirements.

The administering agency for the above authority is the City of Escondido Fire Department.

California Fire Code, Article 80. The article includes provisions for storage and handling of hazardous materials. Considerable overlap exists between this code and Chapter 6.95 of the California Health and Safety Code. However, the fire code does contain independent provisions regarding fire protection and neutralization systems for emergency venting (§ 80.303, D, Compressed Gases). Other articles that may be applicable include Article 4, Permits, and Article 79, Flammable and Combustible Liquids.

The administering agencies for the above authorities are the CEC and City of Escondido Fire Department.

Title 24 California Code of Regulations Section 501. CCR Title 24 establishes the Building Code to provide minimum standards to safeguard human life, health, property, and public welfare by controlling design, construction, and quality of materials of structures. The City of Escondido is the administering agency.

6.3.2.3 Local Authorities and Administering Agencies

City of Escondido Zoning Ordinance, Article 26 Industrial Zones, Sections, 33-564, and 33-570. The City Zoning Code defines “environmentally sensitive businesses” as any business whose “operations require the approval of, or a permit from, the San Diego Air Pollution Control District ” and/or “operates under a permit or conditions imposed by state or federal laws regarding odor or the release of airborne contaminants.” The Palomar Energy Project meets this definition of an environmentally sensitive business. Environmentally sensitive businesses “must complete and maintain annually with the fire department an updated environmental compliance plan consistent with the department’s requirements.”

The administering agency for the above authority is the City of Escondido Fire Department.

6.3.2.4 Industry Codes and Standards

Uniform Fire Code (UFC). The UFC contains provisions necessary for fire prevention and information about fire safety, special occupancy uses, special processes, and explosive, flammable, combustible, and hazardous materials. The UFC Standards contains standards of the American Society for Testing and Materials (ASTM) and of the National Fire Protection Association (NFPA). The NFPA prescribes minimum requirements necessary to establish a reasonable level of fire safety and property protection from the hazards created by fire and explosion. Table 6.3-2 summarizes the NFPA standards that are potentially applicable to the Palomar Energy Project. Typically, the standards apply to the manufacturers of the specific equipment and devices installed and operated at the facility.

Several industry codes and trade association standards exist that may be applicable to the Palomar Energy Project to ensure worker health and safety. Table 6.3-3 provides a listing of potentially applicable industry codes and standards. Typically, the codes and standards are requirements for the manufacturers of the facility equipment.

The administering agencies for the above standards are the CEC and the City of Escondido Fire Department.

**Table 6.3-2 National Fire Protection Association Standards
Related To Fire and Explosion Hazards**

Standard	Description
NFPA 1	Fire Prevention Code
NFPA 10	Portable Fire Extinguishers
NFPA 12	Carbon Dioxide Extinguishing Systems
NFPA 13	Installation of Sprinkler Systems
NFPA 14	Installation of Standpipe and Hose Systems
NFPA 15	Water Spray Fixed Systems
NFPA 20	Centrifugal Fire Pumps
NFPA 22	Water Tanks for Private Fire Protection
NFPA 24	Private Fire Service Mains and Their Appurtenances
NFPA 30	Flammable and Combustible Liquids Code
NFPA 37	Combustion Engines and Gas Turbines
NFPA50A	Gaseous Hydrogen Systems at Consumer Sites
NFPA 68	Explosion Venting
NFPA 69	Explosion Preventing
NFPA 70	National Electric Code
NFPA 72	National Fire Alarm Code
NFPA 78	Lighting Protection Systems
NFPA 291	Testing and Marking Hydrants
NFPA 496	Purged and Pressurized Enclosures for Electrical Equipment
NFPA 497	Flammable and Combustible Liquids Classification
NFPA 1961	Fire Hose
NFPA 1962	Care, Use and Service Testing of Fire Hose Including Couplings and Nozzles
NFPA 1963	Screws, Threads, and Gaskets for Fire Hose Connections
NFPA 2001	Clean Agent Fire Extinguishing Systems
NFPA 8501	Standard for Single Boiler Operation

Table 6.3-3 Potentially Applicable Industry Codes and Standards

American Association of State Highway Officials (AASHO)
American Institute of Steel Construction (AISC) Specifications
American National Standards Institute (ANSI)
American Petroleum Institute (API)
American Society for Testing and Materials (ASTM)
American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE)
American Society of Nondestructive Testing (ASNT)
American Standards for Mechanical Engineering (ASME)
American Water Works Association (AWWA)
American Welding Society (AWS)
Asphalt Institute, Pacific Coast Division
California Building Code (CBC)
California State Fire Marshall (CSFM)
Heat Exchanger Institute
Hydraulic Institute Standards
Illumination Engineering Society of North America
Institute of Electrical and Electronic Engineers (IEEE)
Instrument Society of America (ISA)
Standards of Tubular Exchanger Manufacturers Association (TEMA)
Steel Structures Painting Council Standards (SSPC)

6.3.3 Transmission Line Safety and Nuisance

As there is no new transmission line development required for the Palomar Energy Project, no discussion is required on this topic.

6.3.4 Palomar Energy Project Compliance with Pipeline LORS

No additional laws, ordinances, regulations, or standards are applicable beyond those presented in Sections 6.3.2.1 and 6.2.3, and Appendix D.

6.4 ENVIRONMENTAL INFORMATION

6.4.1 General

California Environmental Quality Act, California Public Resources Code § 21000 et seq.; Guidelines for Implementation of the California Environmental (Quality Act of 1970, 14 CCR § 15000 - 15387, Appendix G. CEQA requires public agencies to prepare an Environmental Impact Report (EIR) whenever a proposed project may cause a significant adverse impact on the environment. The CEC is the lead agency for purposes of CEQA. The AFC process is a CEQA equivalent review process.

The administering agency for the above authority is the CEC.

6.4.2 Air Quality

The following air quality-related LORS are applicable or potentially applicable to the proposed Palomar Energy Project.

6.4.2.1 Federal Authorities and Administering Agencies

Federal Clean Air Act (CAA) 42 USC §§ 7411, 7412, 7470, 7491, 7501 et seq., 7651, 7661. The Federal Clean Air Act establishes ambient air quality standards and requires states to adopt measures to attain these standards. The CAA also establishes emission limits for hazardous air pollutants (Title III National Emission Standards for Hazardous Air Pollutants). The CAA also requires the review of major new sources of pollution or major modifications to existing sources (New Source Review and Prevention of Significant Deterioration).

The EPA Region IX is the administering agency for the CAA. The EPA is responsible for reviewing the attainment plans developed by the San Diego Air Pollution Control District (SDAPCD). The following sections of the Code of Federal Regulations (CFR) implement the various requirements of the CAA.

40 CFR 50 - National Ambient Air Quality Standards (NAAQS). The CAA establishes ambient air quality standards for the protection of public health (primary standards) and welfare (secondary standards). EPA is required to review these standards on a periodic basis. The NAAQS, as well as the State of California's Ambient Air Quality Standards (CAAQS), were provided in Section 5.2.1.

The SDAPCD must prepare and obtain approval for implementation plans on how attainment of the NAAQS will be achieved for any primary standards that have been exceeded.

40 CFR 52.21 - Prevention of Significant Deterioration (PSD). Federal CAA PSD requirements apply to the Palomar project. A PSD permit application is being filed with SDAPCD concurrently with this AFC filing. The project will comply with all applicable PSD requirements.

This regulation is delegated to SDAPCD and administered under Rule 20.3(d)(3).

40 CFR 60 Subparts A, Db, and GG - New Source Performance Standards (NSPS). EPA's regulation 40 CFR 60 Subpart GG applies to the Palomar project's gas turbines and Subpart Db to the duct burners. The project's emissions will be well below the applicable NO_x, SO₂, and/or PM₁₀ emission limits. The Applicant will comply with emission and fuel monitoring requirements, and monitoring plans will be submitted, as required.

These regulations have been incorporated by reference in SDAPCD Regulation X.

40 CFR 61 and 63 - National Emissions Standards for Hazardous Air Pollutants (NESHAP). EPA regulations related to hazardous air pollutants will have limited applicability to the Palomar project. The Asbestos NESHAP, 40 CFR 61 Subpart M requires notification when the demolition occurs at the facility, even though no asbestos will be used in its construction. A Maximum Achievable Control Technology (MACT) standard, 40 CFR 63 Subpart YYYY, for gas turbines is under development by EPA. However, based on EPA information to date on this new standard, it is not expected to apply to the Palomar project.

These regulations have been incorporated by reference in SDAPCD Regulation XI.

40 CFR 64 - Compliance Assurance Monitoring (CAM). Title VII of the CAA Amendments of 1990 required EPA to promulgate an enhanced monitoring regulation, which is codified under 40 CFR 64. This regulation requires certain large sources with active control devices to establish monitoring through which compliance with emissions standards and other requirements can be assured.

This regulation is implemented at the local level through the SDAPCD's Title V program (see below).

40 CFR 70 - Federal Operating Permit. Requirements under Title V of the 1990 CAA Amendments as codified at 40 CFR 70 and administered by SDAPCD, will apply to the Palomar project after the start of operation. As required by federal and local regulations, the Applicant will submit a Title V application to SDAPCD within 12 months after operation commences.

SDAPCD is the administering agency for Title V and Title V requirements are specified in SDAPCD Regulation XIV.

40 CFR 72, 73, and 75 - Federal Acid Rain Program. Title IV requirements of the 1990 CAA Amendments, codified at 40 CFR 72, 73 and 75, will apply to the Palomar project. This program is administered by EPA and SDAPCD. The Applicant will secure the required SO₂ allowances and will perform the required emission monitoring. Monitoring plans will be submitted as required by EPA rules.

Requirements for the Acid Rain Program are contained in SDAPCD Rule 1412.

6.4.2.2 State Authorities and Administering Agencies

California Health and Safety Code § 41700. The Health and Safety Code prohibits the discharge of air pollutants that cause injury, detriment, nuisance, or annoyance to the public.

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This requirement is implemented by the SDAPCD through Rule 51.

California Clean Air Act, California Health and Safety Code § 42300 et seq. The California CAA establishes ambient air quality standards and classifies areas of the state depending on their attainment or non-attainment of these standards. Local air pollution agencies are required to implement measures to review and permit new and modified sources and to attain the ambient air quality standards.

The California Air Resources Board (ARB) provides oversight and policy direction to the local air pollution control agencies. The SDAPCD will be responsible for the review of the air permit application and enforcement of state air quality regulations.

California Health & Safety Code § 42301, 17 CCR § 70200. The Health and Safety Code requires an air pollution control district to establish a permit system to "insure that (the use) for which the permit was issued shall not prevent or interfere with the attainment or maintenance of any applicable air quality standards". The SDAPCD will evaluate the project's compliance with all applicable rules and regulations. The SDAPCD will provide the evaluation as part of the Determination of Compliance (DOC) required under 20 CCR § 1744.5 (b) for the CEC's siting process. (The DOC is equivalent to the APCD's Authority to Construct). Before the DOC is issued, the proposed project must comply with SDAPCD's rules and regulations.

The administering agencies are the SDAPCD and the CEC.

California Health and Safety Code § 44360-44366 - Air Toxic "Hot Spots" Information and Assessment. Under California Health and Safety Code § 44360-44366, administered by SDAPCD, the Applicant will file the required air toxics emissions information. This filing requirement applies after the start of operation. Assessments provided in Section 5.15 of this AFC indicate that the Palomar Energy Project will have insignificant air toxic impacts.

The administering agency is the SDAPCD.

Title 20 CCR § 1744.5, 1752.3 – Determination of Compliance. The local air pollution control district is required to determine if the project complies with its new source rule and other applicable district rules.

The administering agency is the SDAPCD. An application for a Determination of Compliance was filed concurrent with the filing of this AFC.

6.4.2.3 Local Authorities and Administering Agency

A list of the more significant applicable or potentially applicable air quality rules and regulations enforced by the SDAPCD and a brief summary of their requirements is provided below.

Rule 20.1 New Source Review (NSR) General Provisions – Provides definitions as well as guidance for emission calculations.

Rule 20.3(d)(1) Best Available Control Technology (BACT)/Lowest Achievable Emission Rate (LAER) – Requires that BACT be installed on a pollutant specific basis if emissions exceed 10 lbs/day for each criteria pollutant (except CO for which PSD BACT threshold is 100 tons/yr.). Also requires that LAER be installed on a pollutant specific basis if emissions exceed 50 tons/year for NOx or VOC.

Rule 20.3(d)(2) Air Quality Impact Analysis (AQIA) – Requires that an AQIA be performed for air contaminants which exceed the trigger levels of Table 20.3-1 of the SDAPCD's Rules and Regulations.

Rule 20.3(d)(3) Prevention of Significant Deterioration (PSD) – Requires that a PSD evaluation be performed for all contaminants which exceed PSD major source trigger levels.

Rule 20.3(d)(4) Public Notice and Comment – Requires the SDAPCD to publish a notice of the proposed action in at least one newspaper of general circulation in San Diego County as well as send notices to the EPA and CARB.

Rule 20.3(d)(5) Emission Offsets – Requires that emissions of any federal non-attainment criteria pollutant or its precursors, which exceed major source thresholds, be offset with actual emission reductions.

Rule 20.3(d)(8) LAER and Offset Provisions – Specifies additional requirements for major projects in a non-attainment area.

Rule 20.3(e) Additional Requirements – Requires certain major sources to certify compliance for other facilities within California and to perform an alternatives analysis.

Rule 20.5 Power Plants – Requires that the SDAPCD submit Preliminary and Final Determination of Compliance reports to the CEC, which shall be equivalent to an evaluation for a SDAPCD Authority to Construct.

Rule 50 Visible Emissions – Prohibits air contaminant emissions into the atmosphere darker than Ringlemann Number 1 (20 percent opacity) for more than an aggregate of three minutes in any consecutive sixty minute time period.

Rule 51 Nuisance – Prohibits the discharge of air contaminants that cause or have a tendency to cause injury, nuisance, annoyance to people and/or the public or damage to any business or property.

Rule 53 Specific Air Contaminants – Limits emissions of sulfur compounds (calculated as SO₂) to less than or equal to 0.05 percent, by volume, on a dry basis; also limits particulate matter emissions from gaseous fuel combustion to less than or equal to 0.1 grain per dry standard cubic foot of exhaust calculated at 12 percent CO₂.

Rule 69.3 Stationary Gas Turbines – Reasonably Available Control Technology – Limits NOx emissions from gas turbines greater than 0.3 MW to 42 ppm at 15 percent oxygen when

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fired on natural gas; also specifies monitoring and recordkeeping requirements. Startups, shutdowns, and fuel changes are defined by this rule and excluded from compliance with these limits.

Rule 69.3.1 Stationary Gas Turbines – Best Available Retrofit Control Technology – Limits NO_x emissions from gas turbines greater than 10 MW to 15x(E/25) ppm when operating uncontrolled and 9x(E/25) ppm at 15 percent oxygen when operating with controls and averaged over a 1-hour period. E is the thermal efficiency of the unit. The rule also specifies monitoring and recordkeeping requirements. Startups, shutdowns, and fuel changes are defined by this rule and excluded from compliance with these limits.

Regulations X and XI – These regulations incorporate the federal NSPS and NESHAP, respectively, by reference.

Rule 1200 Toxic Air Contaminants, New Source Review – Requires that a Health Risk Assessment (HRA) be performed if the emissions of toxic air contaminants will increase. A detailed HRA is necessary if toxic emissions exceed SDAPCD de minimus (minimum threshold) levels. Toxics Best Available Control Technology (TBACT) must be installed if the HRA shows a cancer risk greater than one in a million. At no time shall the cancer risk exceed ten in a million.

Regulation XIV Title V Operating Permits – Implements the 40 CFR 70 Title V Operating Permits Program requirements.

Rule 1412 Federal Acid Rain Program Requirements – Contains the requirements for sources subject to the federal acid rain program (Title IV of the CAA Amendments).

6.4.2.4 Palomar Energy Project Compliance with Air Quality LORS

As shown in Section 5.2, the Palomar project will obtain all required permits and comply with all applicable LORS.

6.4.3 Biological Resources

The following biological resources-related LORS are applicable or potentially applicable to the proposed Palomar Energy Project.

6.4.3.1 Federal Authorities and Administering Agencies

Endangered Species Act of 1973; 16 USC § 1531 et seq.; 50 CFR Parts 17.1 et seq. The ESA includes provisions for the protection and management of federally-listed threatened or endangered plants and animals and their designated critical habitats. The administering agency for the above authority for terrestrial and avian species is the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS).

Fish and Wildlife Coordination Act (Section 7); 16 USC 742 et seq., 16 USC 1531 et seq., 50 CFR 17. This authority requires consultation if any project facilities could jeopardize the

continued existence of an endangered species. Applicability depends on federal jurisdiction over some aspect of the project. The administering agency for the above authority is the USFWS.

6.4.3.2 State Authorities and Administering Agencies

California Endangered Species Act of 1984; California Fish & Game Code §§ 2050 –2098 Title 14 CCR § 15000 *et seq.* The Act includes provisions for the protection and management of plant and animal species listed as endangered or threatened, or designated as candidates for such listing. The Act includes a consultation requirement "to ensure that any action authorized by a state lead agency is not likely to jeopardize the continued existence of any endangered or threatened species ... or result in the destruction or adverse modification of habitat essential to the continued existence of the species" (§ 2090). Plants of California declared to be endangered, threatened, or rare are listed at 14 CCR § 670.2. Animals of California declared to be endangered or threatened are listed at 14 CCR § 670.5. 14 CCR § 15000 *et seq.* describes the types and extent of information required to evaluate the effects of a proposed project on biological resources of a project site.

The administering agency for the above authority is the California Department of Fish and Game (CDFG).

Native Plant Protection Act of 1977; California Fish and Game Code § 1900 *et seq.* The code lists state-designated rare and endangered plants and provides specific protection measures for identified populations.

The administering agency for the above authority is the California Department of Fish and Game (CDFG).

California Fish & Game Code § 3511, 4700, 5050, and 5515. The code prohibits the taking and possessing of birds, mammals, reptiles and amphibians, and fishes listed as "fully protected".

The administering agency for the above authority is the CDFG.

California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2. Subchapter 5. Article 1. Appendix B. Part (i). These code and regulation sections require the CEC to include in its decision provisions that will assure protection of environmental quality. In the context of biological resources, a proposed project is generally considered to have a significant effect on the environment if it will substantially affect a rare or endangered species (20 CCR § 15380).

The administering agency for the above authority is the CEC (with comment by the CDFG).

6.4.3.3 Local Authorities and Administering Agencies

City of Escondido - Escondido Subarea Multiple Habitat Conservation Plan. The City of Escondido is in the process of implementing a subarea plan as part of the 1999 draft for the northern part of San Diego County. This plan addresses land conservation plans under the City's

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land use authority and while the Subarea Plan has yet to be adopted, it provides a framework for addressing impacts to resources within the City.

The administering agency for the above authority is the City of Escondido.

6.4.3.4 Palomar Energy Project Compliance with Biological LORS

As appropriate, the Applicant will consult with applicable agencies to ensure that biological concerns are appropriately considered. Construction and operation of the project will be in compliance with the applicable LORS regarding biological impacts. ESA compliance concerning effects of construction of the ERTC industrial park is expected to be undertaken by applicants for local land use entitlements from the City of Escondido.

6.4.4 Water Resources

The following water resources-related LORS are applicable or potentially applicable to the proposed project.

6.4.4.1 Federal Authorities and Administering Agencies

Clean Water Act of 1977 (including 1987 amendments) § 402, 33 USC § 1342; 40 CFR Parts 112, 122 - 136. The Clean Water Act authorizes the EPA to regulate discharges of wastewater and stormwater into surface waters by using National Pollutant Discharge Elimination System (NPDES) permits and pretreatment standards. The Act requires a general construction activities permit for discharge of stormwater from construction sites disturbing five acres or more and a stormwater permit for operation.

The administering agencies for the above authority are the State Water Resources Control Board; Regional Water Quality Control Board (RWQCB), San Diego Region; and the EPA Region IX.

6.4.4.2 State Authorities and Administering Agencies

The California Porter-Cologne Water Quality Control Act 1998; California Water Code § 13000 - 14957; Division 7, Water Quality. The Porter-Cologne Water Quality Control Act authorizes the state to develop and implement a statewide program for the control of the quality of all waters of the state. The Act establishes the state board and each regional board as the principal state agencies with primary responsibility for the coordination and control of water quality. Under § 13172, siting, operation, and closure of waste disposal sites are regulated. The Board requires classification of the waste and the disposal site. Discharges of waste must comply with the groundwater protection and monitoring requirements of the Resource Conservation and Recovery Act of 1976, as amended (42 USC Sec. 6901 *et seq.*), and any Federal Acts which amend or supplement the Resource Conservation and Recovery Act of 1976, together with any more stringent requirements necessary to implement this revision or Article 9.5 (commencing with Section 25208) of Chapter 6.5 of Division 20 of the Health and Safety Code.

The administering agencies for the above authority are the CEC, State Water Resources Control Board, and the RWQCB, San Diego Region.

The California Porter-Cologne Water Quality Control Act of 1972, California Water Code § 13260 - 13269; 23 CCR Chapter 9; SWRCB General Permits Board Orders. The code and general permits requires adequate protection of water quality by appropriate design, sizing and construction of erosion and sediment controls. Discharge of waste earthen material into surface waters resulting from land disturbance may require the filing of a report of waste discharge (Water Code § 13260(a)), and provides for the issuance of waste discharge requirements with respect to the discharge of any waste that can affect the quality of the waters of the state. Concerning potential surface water pollution from project area runoff, the waste discharge requirements may incorporate requirements based on the following sources of recommended methods and procedures:

- State Water Resources Control Board. 1996. *Erosion and Sediment Control Field Manual*.
- US EPA. 1973. *Processes, Procedures and Methods to Control Pollution Resulting From All Construction Activity*. Presents information on processes, procedures, and methods for controlling sediment, stormwater, and pollutants from construction activities.
- California Department of Resources Conservation. 1978. *Erosion and Sediment Control Handbook*. Provides procedures by which physical and climatic data and erosion control practices can be considered in making an assessment of a site for determining the need for an erosion control plan and for preparing an erosion control plan.

The administering agencies for the above authority are the CEC, the State Water Resources Control Board, and the RWQCB, San Diego Region.

California Water Code § 461; California Constitution, Article 10 § 2. This article prohibits the waste or unreasonable use of water, regulates the method of use and method of diversion of water and requires all water users to conserve and reuse available water supplies to the maximum extent possible.

The administering agency for the above authority is the State Water Resources Control Board.

State Water Resources Control Board, Resolution 75-58. The Board sets forth policies on the use and disposal of inland water used for power plant cooling to be applied by the Board. It establishes principles concerning the order of priority for power plant cooling and stipulates that the discharge of blowdown water from cooling towers must not cause a violation of water quality objectives or waste discharge requirements.

The administering agency for the above authority is the State Water Resources Control Board.

California Public Resources Code § 25523(a), 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2 Subchapter 5. Article 1, Appendix B. The code provides for the inclusion of requirements in the CEC's decision on an AFC to assure protection of environmental quality and requires submission of information to the CEC concerning proposed water resources and water quality protection.

6.0 Laws, Ordinances, Regulations and Standards (LORS)

The administering agency for the above authority is the CEC.

6.4.4.3 Local Authorities and Administering Agencies

City of Escondido Industrial Waste Water Discharge Ordinance, Article 22. The Palomar Energy Project will be required to comply with the standards and permit provisions of the City industrial waste water discharge ordinance concerning discharge of wastewater to the City of Escondido Hale Avenue Resource Recovery Facility (HARRF).

6.4.4.4 Palomar Energy Project Compliance with Water Resources LORS

The Palomar project will comply with the applicable LORS related to water use and quality as further detailed in section 5.4., Water Resources.

6.4.5 Geological Resources and Hazards

The LORS related to geologic resources and hazards are addressed below and in Appendix D-2, "Structural and Seismic Engineering Design Criteria".

6.4.5.1 Federal Authorities and Administering Agencies

Uniform Building Code. The Uniform Building Code specifies acceptable design criteria for structures and excavations with respect to seismic design and load bearing capacity. The City of Escondido is responsible for building code enforcement.

6.4.5.2 State Authorities and Administering Agencies

California Building Code 1195. The California Building Code specifies acceptable design criteria for structures and excavations with respect to seismic design and load bearing capacity. The City of Escondido is responsible for building code enforcement.

Alquist-Priolo Earthquake Fault Zoning Act. This law identifies areas subject to surface rupture from active faults.

6.4.5.3 Local Authorities and Administering Agencies

City of Escondido Design Standards. The City of Escondido has established design standards that are enforced through the building permit and grading processes.

6.4.6 Agriculture and Soils

The following LORS are applicable to protection of soil resource and protection of surface water quality from project-induced erosion impacts.

6.4.6.1 Federal Authorities and Administering Agencies

Clean Water Act of 1977 (including its 1987 amendments) 33 USC § 1342; 40 CFR Parts 122-136. These authorities establish requirements for any facility or activity which has or which will discharge wastes (including sediment due to accelerated erosion) that may interfere with the beneficial uses of affected waters.

The administering agency for the above authority is the Regional Water Quality Control Board (RWQCB), San Diego Region under the direction of the State Water Resources Control Board (SWRCB). See Water Resources above.

6.4.6.2 State Authorities and Administering Agencies

California Public Resources Code § 25523(a); CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2,- Subchapter 5. Article 1. Appendix B. Part (i). This authority provides for protection of environmental quality. With respect to the Palomar project and agriculture and soils issues, it requires submission of information to the CEC concerning potential environmental impacts to agriculture and soils. In addition, the CEC's decision on the AFC must include consideration of these same issues.

The administering agency for the above authority is the CEC.

The California Porter-Cologne Water Quality Control Act of 1972, California Water Code § 13260 - 13269; 23 CCR Chapter 9. The code requires adequate protection of water quality by appropriate design, sizing and construction of erosion and sediment controls. Discharge of waste earthen material into surface waters resulting from land disturbance may require the filing of a report of waste discharge (Water Code § 13260(a)), and provides for the issuance of waste discharge requirements with respect to the discharge of any waste that can affect the quality of the waters of the state. Concerning potential surface water pollution from project area runoff, the waste discharge requirements may incorporate requirements based on the following sources of recommended methods and procedures:

- State Water Resources Control Board. 1996. *Erosion and Sediment Control Field Manual*.
- US EPA. 1973. *Processes, Procedures and Methods to Control Pollution Resulting From All Construction Activity*. Presents information on processes, procedures, and methods for controlling sediment, stormwater, and pollutants from construction activities.
- California Department of Resources Conservation. 1978. *Erosion and Sediment Control Handbook*. Provides procedures by which physical and climatic data and erosion control practices can be considered in making an assessment of a site for determining the need for an erosion control plan and for preparing an erosion control plan.

The administering agencies for the above authority are the CEC, the RWQCB (San Diego Region), and the State Water Resources Control Board.

6.0 Laws, Ordinances, Regulations and Standards (LORS)

6.4.6.3 Local Authorities and Administering Agencies

City of Escondido, Escondido General Plan (adopted June 6, 1990). The City General Plan includes policies addressing agricultural land.

The administering agency for the above authority is the City of Escondido.

City of Escondido, Grading Requirements Ordinance Article 55. These requirements specify the permit application and approval process.

The administering agency for the above authority is the City of Escondido.

6.4.6.4 Industry Codes and Standards

U.S. Department of Agriculture, Soil Conservation Service (SCS), National Engineering Handbook (1983). Sections 2 and 3. The U.S. Department of Agriculture prescribes standards of technical excellence for the SCS, now called the Natural Resources Conservation Service (NRCS) for the planning, design, and construction of soil conservation practices.

The administering agency for the above authority is the NRCS.

6.4.6.5 Palomar Energy Project Compliance with Agricultural and Soils LORS

The Palomar project will obtain a general stormwater permit and will grade and excavate in accordance with approved grading plans to reduce soil erosion from project development.

6.4.7 Land Use

Applicable LORS pertaining to land use include the following:

6.4.7.1 Federal Authorities and Administering Agencies

As no federal lands are involved in the project, there are no applicable federal land use LORS.

6.4.7.2 State Authorities and Administering Agencies

California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 – 2309, and Chapter 2, Subchapter 5, Appendix B, Part (I)(3) and (4). The authorities include provisions to assure protection of environmental quality, including compatibility of a proposed project with relevant land use plans.

The administering agency for the above authority is the CEC.

6.4.7.3 Local Authorities and Administering Agencies

City of Escondido General Plan (City of Escondido 1990), Quail Hills Specific Plan (City of Escondido 1988), and Escondido Research and Technology Center Specific Plan (in progress). The General Plan is intended to provide general guidance as to appropriate land uses in the City. The land use designations for areas affected by the Palomar project are identified in Section 5.7, Land Use. The Palomar project plant site is within the Quail Hills Specific Planning

Area, as designated in the General Plan. The existing Quail Hills Specific Plan is being updated and superseded by the in-progress Escondido Research and Technology Center Specific Plan.

The administering agency for the above authorities is the City of Escondido Planning Department.

City of Escondido Zoning Code (City of Escondido). The Zoning Code was adopted by the City to regulate land uses. The power plant site is located on land zoned S-P, Specific Plan. Uses within SP zones are determined by the applicable specific plan. The current plan states that uses shall be guided by uses allowed in the I-P zone. The proposed ERTC Specific Plan specifically provides for a power plant on Planning Area 1, in the northeast section of the specific plan area. The administering agency for the above authority is the City of Escondido Planning Department.

6.4.7.4 Palomar Energy Project Compliance with Land Use LORS

As discussed above and in section 5.7, Land Use,, the Palomar Energy Project is consistent with land use plans in most respects; however, certain modifications to City of Escondido General Plan and to the applicable specific plan will be required for the Palomar project to be fully in compliance with the applicable land use LORS.

6.4.8 Socioeconomics

The following LORS are applicable or potentially applicable to the Palomar project.

6.4.8.1 Federal Authorities and Administering Agencies.

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" The Order focuses federal attention on the environment and human health conditions of minority communities and calls on agencies to achieve environmental justice as part of their mission. The Order requires the EPA and all other federal agencies (as well as state agencies receiving federal funds) to develop strategies to address this problem. Agencies are required to identify and address any disproportionately high and/or adverse human health or environmental effects of their programs, policies, and activities on minority and/or low income populations.

The administering agencies for the above authority for the Palomar project are the EPA, and CEC.

6.4.8.2 State Authorities and Administering Agencies

California Education Code § 17620; California Gov. Code § 65955 et seq. The code includes provisions for levies against new industrial construction within the boundaries of the school district for the construction or reconstruction of school facilities.

The administering agency for the above authority is the City of Escondido, which requires that developers pay school impacts fees prior to the issuance of a building permit (Escondido Union High School District, June 2001).

California Environmental Quality Act; California Public Resources Code § 25523(a)i 20 CCR &§ 1752, 1752.5, 2300 - 2309, and Chapter 2. Subchapter 5, Appendix B, Part (i); 14 CCR § 15131. Under the California Resources Agency regulations for implementation of CEQA, economic or social effects of a project "shall not be treated as significant effects on the environment" but may be "used to determine the significance of physical changes caused by the Project" (14 CCR § 1513 1).

The administering agency for the above authorities is the CEC.

6.4.8.3 Local Authorities and Administering Agencies

There are no applicable local LORS for socioeconomic impact issues.

6.4.8.4 Palomar Energy Project Compliance With Socioeconomics LORS

The Palomar project complies with environmental justice LORS as discussed in section 5.8. No minority or low income populations will be disproportionately affected by the project.

6.4.9 Noise

The following noise-related LORS are applicable or potentially applicable to the proposed project.

6.4.9.1 Federal Authorities and Administering Agencies

Noise Control Act of 1972, 42 USC & 4901 et seq.; 40 CFR Parts 201-211. This Act set performance standards for noise emissions from "major sources." The Act sets noise standards for products distributed in commerce, and also contains provisions for national noise standards for trains and motor carriers used in intra-state commerce. The Act required EPA to develop and publish information concerning noise levels that jeopardize human health and welfare.

The Noise Control Act is administered by EPA. Funding for the EPA Office of Noise Abatement and Control (ONAC) was discontinued in 1981. Noise control programs were shifted to state agencies. The Noise Control Act and its regulations are still in effect, but without any agency enforcement.

EPA 1974 Noise Guidelines. In response to Noise Control Act requirements, EPA developed guidelines (1974) to assist state and local government entities in development of state and local LORS for noise. The guidelines are advisory only, and are not administered by any agency.

Occupational Safety and Health Act of 1970, (29 CFR & 1910 et seq.) Onsite noise levels are regulated through the Occupational Health and Safety Act of 1970 (OSHA). The noise exposure level of workers is regulated at 90 dBA over an 8-hour work shift to protect hearing (29 Code of Federal Regulations [CFR] 1910.95). On-site noise levels will generally be in the 70 to 85 dBA range. Areas above 85 dBA will be posted as high noise level areas and hearing protection will be required. Employee exposure to levels exceeding 85 dBA requires that employers develop a hearing conservation program. Such programs include adequate warning, the provision of hearing protection devices, and periodic employee testing for hearing loss. The power plant will

implement a hearing conservation program for applicable employees and maintain exposure levels below 85 dBA, where feasible.

The administering agency for the above authority is the Federal Occupational Safety and Health Administration (Fed-OSHA).

6.4.9.2 State Authorities and Administering Agencies

The State does not promulgate a statewide uniform standard, but requires that each county include within their General Plan a Noise Element for control of environmental noise. Additionally, requirements for occupational noise exposure are set forth in Title 8 of the California Code of Regulations.

California Environmental Quality Act (CEQA); California Public Resources Code, Section 2100 et seq. CEQA requires that significant environmental impacts be identified, and that such impacts be eliminated or mitigated to the extent feasible. CEQA Guidelines (14 CCR Appendix G) suggests that noise changes in excess of standards, a substantial permanent increase above background, or a substantial temporary or periodic increase could be significant. CEC Appendix B application requirements define the potential noise impact area to be that area in the community where there is a potential for a total noise increase of five dBA or more at noise-sensitive receptors, and require that project noise levels be estimated for this area.

California Health & Safety Code Sections 46000 et seq. The Health and Safety Code was expanded in 1973 to incorporate the "California Noise Control Act (CNCA) of 1973," establishing the California Office of Noise Control (ONC) in mirroring the ONAC. The CNCA required the ONC to develop guidelines for the preparation and content of noise elements in local general plans as required by Section 65302 of the Government Code. These guidelines were released in 1976. As with the federal ONAC, the State ONC became dormant after noise control responsibilities had been relegated to incorporated and county jurisdictions. There is therefore no administering agency for the CNCA of 1973.

Cal-OSHA Occupational Noise Exposure Regulations (8 CCR, General Industrial Safety Orders, Article 105, Control of Noise Exposure, & 5095 et seq). Cal-OSHA regulations are the same as the federal OSHA criteria described above. The criteria is based on a worker's noise level exposure over a specific time period. Maximum permissible worker noise exposure levels to protect against damage to the workers' hearing have been established. Compliance with these levels will be achieved through either engineering controls or hearing protection and warning signs.

The administering agency for the above authority is Cal-OSHA.

California Vehicle Code, Sections 23130 and 23130.5. Noise limits for highway vehicles are regulated under this code. The vehicle code is administered by the California Highway Patrol. Local jurisdictions (San Diego County Sheriff and the City Of Escondido Police Department) also enforce vehicle code requirements, such as requiring properly operating mufflers.

6.0 Laws, Ordinances, Regulations and Standards (LORS)

6.4.9.3 Local Authorities and Administering Agencies

City of Escondido General Plan, Community Protection and Safety Element, Section E, Noise, pp. IV-18 to IV-25. The California State Planning Law (California Government Code Section 65302) requires that all cities, counties and entities (such as multi-city port authorities) prepare and adopt a General Plan to guide community change. City and County General Plans must contain provisions for controlling excessive noise.

The Noise Element is a planning guideline for new development within the City of Escondido. It defines the level of ambient noise compatible with proposed new development. The goal for siting new noise-sensitive land uses is 60 dB CNEL. The goal is recognized as not always attainable within the realm of economic (large lots, extensive setbacks) or aesthetic (very large sound walls) feasibility. Industrial uses are considered compatible with ambient noise environments of 75 dB CNEL or less.

The administering agency for the noise element is the City of Escondido Planning Dept.

Escondido Municipal Code, Article XI, Sections 17-216 through 17-249, "Noise Abatement And Control," March 1990. Section 17-219 establishes allowable noise levels at the property line of any receiving land use due to noise generated from a permitted industrial source such as a power plant as given in Table 6.4-3.

Table 6.4.3 City of Escondido Allowable Noise Levels

Land Use	Time	dB(A) LEQ
Single-family residences	7 a.m. - 10 p.m.	50
	10 p.m. - 7 a.m.	45
Multi-family residences	7 a.m. - 10 p.m.	55
	10 p.m. - 7 a.m.	50
Commercial zones	7 a.m. - 10 p.m.	65
	10 p.m. - 7 a.m.	55
Light Industrial	Anytime	70
General Industrial	Anytime	75

The Ordinance also regulates the permissible hours for the operation of construction equipment from 7 a.m. to 6 p.m. (Mon.-Fri.) and 9 a.m. to 5 p.m. (Sat.), except in an emergency. Administration of the "Noise Ordinance" is through duly sworn personnel, either as code enforcement officers responsible to the Building Director or as sworn officers in the Police Department. The Building Director enforces noise standards for activities resulting from a land-use activity permitted under land-use code ("environmental noise.") The Police Department enforces noise control for noises considered harmful, annoying, obnoxious or unpleasant.

City of Escondido Zoning Code, Section 1062.39.7. No unreasonable vibration shall be discernible at the property line of the parcel in which an activity is located. Enforcement is by code enforcement personnel under the supervision of the City of Escondido Building Director.

6.4.9.4 Palomar Energy Project Compliance with Noise LORS

The Palomar Project will comply with all applicable federal, state, and local LORS as further described in section 5.9

6.4.10 Visual Resources

The following LORS are applicable to the protection of aesthetic values and visual resources as they relate to the Palomar project.

6.4.10.1 Federal Authorities and Administering Agencies

There are no applicable Federal laws, regulations, codes or standards.

6.4.10.2 State Authorities and Administering Agencies

California Environmental Quality Act (CEQA); California Public Resources Code, Section 2100 et seq. Appendix G of the CEQA Guidelines (California Resources Agency 1998) lists several criteria for determining whether a project may have a significant effect on the environment because of aesthetic impacts. These include substantial adverse effect on a scenic vista, substantially damaging scenic resources, or substantially degrading the existing visual character or quality of the site and its surroundings. For this project, the CEC is the administering agency

6.4.10.3 Local Authorities and Administering Agencies

City of Escondido General Plan (City of Escondido 1990), Quail Hills Specific Plan (City of Escondido 1988), and Escondido Research and Technology Center Specific Plan (in progress). Aspects of the City of Escondido General Plan and the current Quail Hills Specific Plan apply to visual resources. Issues. As discussed in Section 5.10, the General Plan discusses landscape guidelines and adopting design guidelines and development standards to provide the basis for design reviews of the visual impacts of development projects. The General Plan also calls for maintaining and enhancing the aesthetic attributes through the development process in the Quail Hills area. The current Quail Hills Specific Plan contains specific provisions that are directly relevant the visual resources and aesthetics of development in the Quail Hills area. The Escondido Research and Technology Center Specific Plan is in progress to update and supersede the current Quail Hills Specific Plan. This updated Specific Plan will also specifically address visual resources and aesthetics issues that relate to development activities.

The administering agency for these local requirements is the City of Escondido Planning Department.

6.4.10.4 Palomar Energy Project Compliance with Visual Resources LORS

6.0 Laws, Ordinances, Regulations and Standards (LORS)

The Palomar Energy Project will comply with the LORS that are applicable to visual resources.

6.4.11 Traffic and Transportation

The following traffic and transportation-related LORS are applicable to the Palomar project.

6.4.11.1 Federal Authorities and Administering Agencies

49 CFR Chapter 11, Subchapter C: and Chapter 111, Subchapter B. These authorities establish national standards for the transportation of hazardous materials (Chapter 11, Subchapter C), and national safety standards for the transport of goods and materials and substances over public highways (Chapter 111, Subchapter B, Parts 171-173, 1777-178).

The administering agency for the above authority is the California Department of Transportation (Caltrans).

6.4.11.2 State Authorities and Administering Agencies

California Vehicle Code 35780; California Streets and Highways Code 117 and 660-711; 21 CCR 4 1411.1-1411.6. These codes provide permit requirements for “overload” approvals (transportation permits) for transportation over state highways. The administering agency for the above authority is Caltrans.

California Vehicle Code 31300 es seq. The code includes provisions for the transportation of hazardous materials on state highways. The administering agency for the above authority is Caltrans.

California Vehicle Code 31030. This section identifies commercial shipping routes for specified waste streams. The administering agency for this law is Caltrans.

California Vehicle Code 31600-31620. These sections provide regulations for the transport of explosive materials. The administering agency for this law is Caltrans.

California Vehicle Code 34000-34121

This law establishes requirements for the transportation of flammable and combustible liquids over public roads and highways. The administering agency for this law is Caltrans.

California Vehicle Code Sections 35100-35559

These sections specify limits for vehicle width, height, length and gross weight. Specifically, Section 35550 states: “The gross weight imposed upon the highway by the wheels on any one axle of a vehicle shall not exceed 20,000 pounds and the gross weight upon any one wheel, or wheels, supporting one end of an axle, and resting upon the roadway, shall not exceed 10,500 pounds.” The administering agency is Caltrans.

California Streets and Highways Code, Division 2, Chapter 5.5, Sections 1460-1470

This section requires encroachment permits for projects involving excavation in city streets. This law is generally enforced at the local level, i.e., the City of Escondido.

6.4.11.3 Local Authorities and Administering Agencies

2020 Regional Transportation Plan. The Regional Transportation Plan (RTP) establishes regional transportation goals, policies, objectives, and actions for various modes of transportation, including intermodal and multimodal transportation activities. The RTP is implemented through the Regional Transportation Improvement Program (RTIP).

The administering agency for the above authority is the San Diego Association of Governments.

Congestion Management Program. The Congestion Management Program establishes guidelines for development of a balanced transportation system, relating population and traffic growth, land use decisions, level of service (LOS) performance standards, and air quality improvement.

The administering agency for the above authority is SANDAG.

City of Escondido General Plan Circulation Element. The Circulation Element of the City of Escondido General Plan sets up local goals and guidance policies with respect to the interaction of transportation facilities and land uses. It also establishes the ultimate street classification for the roadway network in the City of Escondido (Escondido, 1990). Relevant goals and policies include, in pertinent part, the following:

- The Circulation Element is designed to provide local and regional accessibility to serve specific land uses and regional travel needs
- The City shall support a balanced use of travel modes to provide mobility for all citizens
- The City shall coordinate with adjacent communities, the North County Transit District (NCTD), SANDAG and other agencies to ensure compatibility of circulation plans
- The circulation system shall promote efficient internal and external travel to minimize disruption of established developments
- The City has established LOS C as the minimum performance standard, subject to the constraints of physical design, environmental issues, existing development, and other considerations. However, given the generally built out nature of land uses fronting the surrounding street network LOS D is considered an appropriate minimum performance standard. This is consistent with current practice in the City of Escondido and the regional performance standard established by the CMP and by the San Diego Traffic Engineering Council (SANTEC)/Institute of Transportation Engineers (ITE).

City of Escondido, Encroachment Permits. The City of Escondido Public Works Department requires encroachment permits and traffic control plans for pipeline crossings of City maintained roadways. The city also requires encroachment permits for access to/from public roadways.

6.0 Laws, Ordinances, Regulations and Standards (LORS)

The administering agency for the above authority is the City of Escondido Public Works Department.

6.4.11.4 Palomar Energy Project Compliance With Traffic and Transportation LORS

The Palomar project will comply with the applicable LORS regarding transportation and traffic as described in section 5.11.

6.4.12 Hazardous Materials Handling and Hazardous Waste Management

The following LORS are applicable or potentially applicable to the proposed project in the context of hazardous materials handling and hazardous waste management.

6.4.12.1 Federal Authorities and Administering Agencies

Resource Conservation and Recovery Act (RCRA), 42 USC § 6901 et seq., 40 CFR Parts 260 - 272. These codes and regulation sections set forth federal standards for the generation and management of solid waste (42 USC § 6922). Application to the EPA will be coordinated with application to California Department of Toxic Substances Control for an EPA identification number.

The administering agencies for the above authority are the EPA Region IX and Cal-EPA, Department of Toxic Substances Control, San Diego Field Office.

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), 42 USC 9601 et seq. 40 CFR 302 as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). Emergency Planning and Community Right-to-Know Act of 1986 (SARA Title 111). 42 USC § 11001 et seq.; 40 CFR Parts 350, 355 and 370. CERCLA prescribes that the National Response Center be notified for any release of a reportable quantity of a hazardous substance (42 USC § 9603); notification requirements for any potentially injured parties in connection with any such release (42 USC § 9611 (g)); and requirements for demonstration of financial responsibility in connection with storage of hazardous substances (42 USC § 9608(b)).

Superfund regulations define “hazardous substance” as any material appearing in lists referenced in 42 USC 9601 (14) (Section 101). EPA’s regulations at 40 CFR 302.4, Table 3.2-4, set forth the list of hazardous substances under CERCLA and the reportable quantities for each.

SARA Title III established a nationwide emergency planning and response program and imposed reporting requirements for businesses, which store, handle, or produce significant quantities of hazardous or acutely toxic substances above certain threshold quantities as defined under federal laws. It requires states to implement a comprehensive system to inform federal authorities, local agencies, and the public when a significant quantity of hazardous acutely toxic substance is stored or handled at a facility. In California, many of the requirements of SARA are reflected in Chapter 6.95 of the California Health and Safety Code.

The administering agencies for the above authority are the EPA Region IX, the National Response Center, and San Diego County Department of Environmental Health.

29 USC § 65129; CFR § 1910 *et seq.* and § 1926 *et seq.* These sections contain requirements for equipment used to store and handle hazardous materials. This regulation also addresses requirements for equipment necessary to protect workers in emergencies. It is designed primarily to protect worker health, but also contains requirements which affect general facility safety. The California regulations contained in Title 8 (California equivalent of 29 CFR) are generally more stringent than those contained in Title 29.

The administering agency for the above authority is the EPA and Cal-OSHA.

49 CFR Parts 171-177 The code provides standards for the transportation of hazardous materials including labels, placards, and markings on hazardous waste shipments by truck (Part 172) and standards for packaging hazardous wastes (Part 173 and 179).

The administering agency for the above authority is the California Highway Patrol and U.S. Department of Transportation.

6.4.12.2 State Authorities and Administering Agencies

Hazardous Waste Control Act of 1972, as amended; California Health & Safety Code 25100 *et seq.*; 22 CCR § 66001 *et seq.* These code and regulation sections address the management of hazardous wastes. Because the Palomar activities will not include hazardous waste treatment and all hazardous waste will be transported offsite by a contractor, the requirements of principal concern are those governing the generation, storage and preparation for shipment of hazardous wastes. Potentially applicable requirements include the following:

- Determining Waste Characterization (22 CCR §§ 25100 *et seq.*, 66305, 66471).
- Obtaining a Waste Identification Number (22 CCR 66472).
- Certifying on waste shipment manifests that the Applicant has a program to reduce the volume and toxicity of the waste to the degree that it has determined to be economically practicable, and reporting to Department of Toxic Substances Control (DTSC), at least every two years, the changes in volume and toxicity of wastes achieved through waste reduction (42 USC § 6922(a) and (b); California Health & Safety Code § 25244).
- Complying with standards for the storage of hazardous wastes (California Health & Safety Code §§ 25123.3; 15117.12; 22 CCR §§ 66508, 25159 - 25159.5).
- Arranging proper transport and disposal or treatment of hazardous wastes (California Health & Safety Code §§ 25163, 25203; 22 CCR §§ 66472, 66480).
- Preparing a manifest for the transportation of hazardous wastes; providing DTSC with a biennial report regarding hazardous waste shipments (22 CCR §§ 66480 - 66484, 66493).

6.0 Laws, Ordinances, Regulations and Standards (LORS)

- Complying with packaging and labeling requirements for shipments of hazardous wastes [22 CCR §§ 66504 - incorporating the U.S. Department of Transportation requirements at 49 CFR Parts 173, 178 and 179 (packaging), and Part 172 (labeling and marking)].
- Maintaining waste testing and disposal records for specified periods (22 § CCR 66492).
- Complying with financial responsibility requirements (California Health & Safety Code §§ 25245-25249; 22 CCR §§ 67001-67035).
- Complying with used oil management requirements, unless exempted (California Health & Safety Code § 25250-25250.25).
- Complying with emergency preparedness, prevention, and planning requirements (22 CCR §§ 67120-67126).
- Complying with monitoring requirements (22 CCR §§ 67180-67188).

The administering agencies for the above authority are the EPA Region IX, the DTSC, and the County of San Diego Department of Environmental Health.

8 CCR § 339; § 3200 *et seq.*, 5139 *et seq.* and 5160 *et seq.* 8 CCR § 339 lists hazardous chemicals relating to HSITA; 8 CCR § 3200 *et seq.* and 5139 *et seq.* address control of hazardous substances; 8 CCR § 5160 *et seq.* addresses hot, flammable, poisonous, corrosive, and irritant substances.

The administering agency for the above authorities is the CEC.

California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2. Subchapter 5. Article 1. Appendix B. Parts (c) and (1). This authority provides for the inclusion of requirements in the CEC's decision on an AFC that will assure protection of waste handling and control and water quality protection based on Health Risk Assessment Guidelines.

The administering agency for the above authority is the CEC.

California Health & Safety Code §§ 25500 - 25543.3 19 CCR § 2720 - 2734. These sections require the preparation of a Hazardous Materials Business Plan (HMBP) by the Applicant. Such plans address in detail emergency planning and response aspects in the event of a hazardous materials release at a facility. It may also require the preparation of a California Accidental Release Program (Cal-ARP) Risk Management Plan (§§ 25531 - 25543.3) where highly toxic or highly flammable regulated substances are used. This plan must be based on studies identifying potential hazards associated with the handling of these materials proposed for use at the facility.

The administering agencies for the above authorities are the San Diego County Environmental Health Department and the Escondido Fire Department. The San Diego County Environmental Health Department is a Certified Unified Program Agency (CUPA) and is the administering

agency for HMBPS. However, the City of Escondido Fire Department is the administering agency for Risk Management Plans.

California Accidental Release Program (CalARP), Cal. Health & Safety Code § 25531 et seq. This authority is designed to streamline the permitting requirements for applicants and eliminate the need for two (federal and state) chemical risk management programs.

The administering agency for the above authority is the City of Escondido Fire Department.

California Fire Code, Article 80 and others. The code includes provisions for storage and handling of hazardous materials. There is considerable overlap between this code and Chapter 6.95 of the California Health & Safety Code. The fire code does, however, contain independent provisions regarding fire protection and neutralization systems for emergency venting (see Section 80.303, D (compressed gases)). Article 4 establishes hazardous materials storage thresholds above which a permit is required. Article 79 presents requirements for combustible and flammable liquids.

The administering agency for the above authority is the City of Escondido Fire Department.

6.4.12.3 Industry Codes and Standards

American Institute of Chemical Engineers (AIChE) – Center for Chemical Process Safety, 1985 Guidelines. These guidelines provide for chemical hazard evaluation procedures.

The administering agency for the above authority is the Office of Emergency Services (OES).

6.4.12.4 Palomar Energy Project Compliance With Hazardous Materials Handling and Hazardous Waste Management LORS

The project will prepare a quantitative Health Risk Assessment for aqueous ammonia, a hazardous materials business plan, and a risk management plan; and will comply with the storage, handling and reporting requirements specified by the above-referenced LORS.

6.4.13 Non-Hazardous Waste Management

The following LORS are applicable or potentially applicable to the proposed project in the context of non-hazardous waste management.

6.4.13.1 Federal Authorities and Administering Agencies

Resource Conservation and Recovery Act (RCRA), 42 USC § 6901 et seq., 40 CFR Parts 260 - 272. These codes and regulation sections set forth federal standards for the generation and management of solid waste (42 USC § 6922).

The administering agencies for the above authority are the EPA Region IX and the Integrated Waste Management Board.

6.4.13.2 State Authorities and Administering Agencies

California Porter-Cologne Water Quality Control Act; California Water Code § 13260 - 13269; 23 CCR § 2510 Article 9 et seq. These code and regulation sections address waste discharge requirements of the SDRWQCB and will apply to storage or disposal of solid and liquid wastes by the proposed project to the extent that such action may affect the quality of the waters of the state.

The administering agencies for the above authority are the SDRWQCB and the State Water Resources Control Board.

6.4.13.3 Local Authorities and Administering Agencies

There are no local LORS that apply to the Palomar project.

6.4.13.4 Palomar Energy Project Compliance with Non-Hazardous Waste Management LORS

The project will comply with the applicable non-hazardous waste handling and reporting requirements specified by the above-referenced LORS.

6.4.14 Worker Safety

The LORS related to public/worker health and safety are addressed in Section 6.3.2.

6.4.15 Public Health

The LORS related to air quality, including health risk requirements, are addressed in Section 6.4.2. The LORS related to public health risks from hazardous materials handling are addressed in Section 6.4.12.

6.4.16 Cultural Resources

The following paragraphs describe cultural and resources-related laws, ordinance and regulations relevant to the Palomar Energy Project.

6.4.16.1 Federal Authorities and Administering Agencies

National Historic Preservation Act of 1966 (NHPA), as amended; 16 USC 470 et seq., Section 106; 36 CFR 800. The NHPA of 1966 established the federal government's policy on historic preservation and programs through which that policy is implemented. Under the NHPA, historic properties include "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places" (16 United States Code [USC] 470w (5)). Section 106 (16 USC 470f) of the NHPA requires federal agencies, prior to taking action to implement an "undertaking" (such as the issuing of a federal permit), to take into account the effects of the undertaking on historic properties and to afford the Advisory Council on Historic Preservation and the State Historic Preservation Officer (SHPO) a reasonable opportunity to comment on any undertaking that would adversely affect such properties.

In the event a US Army Corps of Engineers permit under Section 404 of the Clean Water Act is required for the Palomar plant site because non-wetland waters under federal jurisdiction occur on site the Corps would review the cultural resources documentation to determine whether additional Section 106 consultation is necessary. If the Corps determines that no historic properties would be affected, it would notify the SHPO of this finding. If it appears that a historic property could be affected, the Corps would consult with the SHPO on NRHP eligibility and effect.

Archaeological Resources Protection Act of 1979, USC 470a et seq. The Archaeological Protection Act (ARPA) would apply only to federal land. ARPA assigns penalties for vandalism and unauthorized collection of archaeological resources on federal land and provides for federal agencies to issue permits for scientific excavation by qualified archaeologists. Since no federal land would be affected by the Palomar project as proposed, ARPA is not expected to apply.

Native American Graves Protection and Repatriation Act of 1990 , 25 USC 3001. The Native American Graves Protection and Repatriation Act (NAGPRA) would also apply on federal land NAGPRA assigns ownership of Native American graves found on federal land to their descendants or to a culturally affiliated tribe or organization. Since no federal land would be affected by the Palomar project as proposed, NAGPRA is not expected to apply.

American Indian Religious Freedom Act of 1979, 42 USC 1996. The American Indian Religious Freedom Act (AIRFA) establishes the policy of the United States to protect and preserve the American Indian's (and other indigenous groups) right to express and exercise their traditional religions. If a Section 404 permit is required for disturbance to a small drainage course on the power plant site, it would be the responsibility of the industrial park project, because the impact would occur during preparation of the building pad prior to power plant construction. This process would require the Corps to consider AIRFA before issuing a permit for the industrial park.

Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (September 29, 1983). These guidelines are non-regulatory standards for the gathering and treatment of data related to cultural resources. The administering agencies for the above authority are the Secretary of the Interior and Corps of Engineers.

6.4.16.2 State Authorities and Administering Agencies

California Environmental Quality Act (CEQA); California Public Resources Code, Section 2100 et seq. CEQA requires public agencies and private interests to identify the environmental consequences of their proposed projects on any object or site significant to the scientific annals of California. CEQA's definition of "environment" includes "objects of historic or aesthetic significance". Various sections of the Public Resources Code and the CEQA guidelines provide guidance for how to categorize and address impacts on archaeological resources, how to characterize the significance of an impact to such resources, and the preferred mitigation for

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archaeological impacts. Avoidance or preservation in place of archaeological resources are the preferred mitigation approaches.

The CEC AFC process is a CEQA-equivalent process, and thus the CEC is the implementing authority for these requirements.

California Register of Historical Resources; California Public Resources Code ' 4850 *et seq.*

The California Register of Historical Resources (CRHR) was established in 1992 (effective January 1, 1993). Sites eligible for the CRHR are considered significant under the California Environmental Quality Act (CEQA).

Public Resource Code § 5097.98; California State Health and Safety Code §7050.5. If a County Coroner were to determine that human remains discovered on project lands were Native American, Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources Code would apply. These laws require the County Coroner to notify the NAHC when a Native American grave is found. The NAHC would then identify a Most Likely Descendant to inspect the burial site and make recommendations for treatment or disposal. The administering agency for the above authority is the San Diego County Coroner.

6.4.16.3 Local Authorities and Administering Agencies

City of Escondido General Plan, Community Open Space and Conservation Element.

Cultural Policies F1.1 through F1.5 of this element of the City of Escondido General Plan encourage the preservation of historical and cultural sites and indicate that the appropriate archaeological assessments should be made during the environmental review process.

6.4.16.4 Palomar Energy Project Compliance with Cultural Resource LORS.

The cultural survey conducted for the Palomar plant site and pipeline route conforms to the requirements and guidelines of the applicable LORS listed above. Implementation of the applicable mitigation measures discussed in Section 5.17, Cultural Resources during Palomar project construction will ensure compliance with these LORS.

6.4.17 Paleontological Resources

The following section describes paleontological resources-related LORS that are applicable to the Palomar project.

6.4.17.1 Federal Authorities and Administering Agencies

As the Palomar project site is not on federal lands, there are no applicable federal LORS.

6.4.17.2 State Authorities and Administering Agencies

California Environmental Quality Act (CEQA); California Public Resources Code, Section 2100 *et seq.* CEQA requires public agencies and private interests to identify the environmental consequences of their proposed projects on any object or site significant to the scientific annals

of California. The CEC's AFC process is a CEQA-equivalent process, and thus the CEC is the implementing agency for these requirements.

Public Resources Code, Section 5097.5 (Stats. 1965, c. 1136, p. 2792) This section defines any unauthorized disturbance or removal of fossil site or remains on public land as a misdemeanor.

Warren Alquist Act (Public Resources Code 25000 et seq.) PRC Section 25527 requires the CEC to evaluate energy facility siting in areas of scientific concern. The CEC has environmental guidelines for protecting paleontological resources in areas under its jurisdiction. A paleontological resources assessment has been carried out for the Palomar project in conformance with CEC requirements.

6.4.17.3 Local Authorities and Administering Agencies

There are no local LORS that relate to paleontological resources.

6.4.17.4 Palomar Energy Project Compliance with Paleontological Resources LORS

A paleontological resources assessment was prepared for the ERTC industrial park including PA 1 where the Palomar project will be located. This assessment revealed that there is minimal potential for project impacts on paleontological resources. The Palomar project will be in compliance with all applicable paleontology-related LORS.

6.5 SUMMARY OF ENVIRONMENTAL LORS APPLICABLE TO PALOMAR ENERGY PROJECT

Table 6.5.1 summarized the environmental laws, ordinances, regulations, and standards (LORS) that apply to the Palomar Energy Project.

Table 6.5-1 Summary of Environmental LORS Applicable to Palomar Energy Project

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirement
Environmental – General	5.2-1 (Air Quality) to 5.18 –8 (Cumulative Impacts)	State	California Environmental Quality Act, California Public Resources Code § 21000 <i>et seq.</i> ; Guidelines for Implementation of the California Environmental (Quality Act of 1970, 14 CCR § 15000 - 15387, Appendix G.	CEC	Environmental impact assessment
Air Quality	5.2 Air Quality (5.2-27 to 5.2-42)	Federal	Federal Clean Air Act (CAA) 42 USC §§ 7411, 7412, 7470, 7491, 7501 <i>et seq.</i> , 7651, 7661.	EPA	Ambient air quality standards; Hazardous Air Pollutants emissions standards; New Source Review; Prevention of Significant Deterioration
	5.2 Air Quality (5.2-33 to 5.2-42)	Federal	40 CFR 52.21 - Prevention of Significant Deterioration (PSD).	SDAPCD	PSD Permit
	5.2 Air Quality (5.2-8 to 5.2-20)	Federal	40 CFR § 60 Subparts A, Db, and GG - New Source Performance Standards (NSPS).	SDAPCD	New Source Performance Standards for gas turbines and duct burners
	5.2 Air Quality (5.2-47)	Federal	Federal CAA, Title V, 40 CFR 70 - Federal Operating Permit	SDAPCD	Federal operating permit
	5.12 Haz Mat Handling (5.12-4 to 5.12-12)	Federal	40 CFR Part 68; 19CCR Div.2, Chap 4.5.	EPA, Escondido Fire Department	Risk Management Plan; accidental release program

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Table 6.5-1 Summary of Environmental LORS Applicable to Palomar Energy Project (cont'd)

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirement
	5.2 Air Quality (5.2-34 to 5.2-44)	Federal	Federal CAA, Title IV, 40 CFR 72, 73, and 75 - Federal Acid Rain Program.	EPA, SDAPCD	Acid rain program
	5.2 Air Quality (5.2-28)	State	California Clean Air Act, California Health and Safety Code § 42300 <i>et seq.</i>	CARB, SDAPCD	State ambient air quality standards
	5.2 Air Quality (5.2-27 to 5.2-33)	State	California Health & Safety Code § 42301, 17CCR § 702005.	CEC, SDAPCD	Air permit/Determination of Compliance
	5.15 Public Health (5.15-8 to 5.15-11)	State	California Health and Safety Code § 44360-44366 - Air Toxic "Hot Spots" Information and Assessment	SDAPCD	Air toxics emissions information
	5.2 Air Quality (5.2-8 to 5.2-42)	Local	SDAPCD Rules and Regulations (various)	SDAPCD	Air District rules
Biological Resources	5.3 Biological Resources (5.3-4 to 5.3-16)	Federal	Endangered Species Act of 1973; 16 USC § 1531 <i>et seq.</i> ; 50 CFR Parts 17.1 <i>et seq.</i>	US Fish and Wildlife Service (FWS)	Federally-listed threatened or endangered plants, animals and designated critical habitats
	5.3 Biological Resources (5.3-17)	Federal	Fish and Wildlife Coordination Act (Section 7); 16 USC 742 <i>et seq.</i> , 16 USC 1531 <i>et seq.</i> , 50 CFR 17	FWS	Consultation if endangered species jeopardized
	5.3 Biological Resources (5.3-14 to 5.3-16)	State	California Endangered Species Act of 1984; California Fish & Game Code §§ 2050 –2098 Title 14 CCR § 15000 <i>et seq.</i>	CDFG	State-listed (or candidates for listing) endangered or threatened plants and animals
	5.3 Biological Resources (5.3-12)	State	Native Plant Protection Act of 1977; California Fish and Game Code § 1900 <i>et seq.</i>	CDFG	State-designated rare and endangered plants

Table 6.5-1 Summary of Environmental LORS Applicable to Palomar Energy Project (cont'd)

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirement
	5.3 Biological Resources (5.3-14 to 5.3-16)	State	California Fish & Game Code § 3511, 4700, 5050, and 5515.	CDFG	Taking and possession of “fully protected” animal species
	5.3 Biological Resources (5.3-14 to 5.3-16)	State	California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2. Subchapter 5. Article 1. Appendix B. Part (i).	CEC	Consider protection of rare or endangered species in Decision
	5.3 Biological Resources (5.3-10 to 5.3-11)	Local	City of Escondido - Escondido Subarea Multiple Habitat Conservation Plan	City of Escondido	Land conservation plan for habitat protection
Water Resources	5.4 Water Resources (5.4-12 to 5.4-16), Ag and Soils (5.6-7 to 5.6-10)	Federal	Clean Water Act of 1977 (including 1987 amendments) § 402, 33 USC § 1342; 40 CFR Parts 112, 122 – 136	EPA, SWRCB, San Diego RWQCB,	Storm water and wastewater discharges to surface waters (NPDES and pretreatment standards)
	5.4 Water Resources (5.4-12 to 5.4-16), Ag and Soils (5.6-7 to 5.6-10)	State	The California Porter-Cologne Water Quality Control Act of 1972; California Water Code § 13000 - 14957; Division 7, Water Quality	CEC, SWRCB, San Diego RWQCB	Waste discharge must protect water quality
	5.4 Water Resources (5.4-12 to 5.4-16), 5.6 Ag and Soils (5.6-7 to 5.6-10)	State	The California Porter-Cologne Water Quality Control Act of 1972, California Water Code § 13260 - 13269; 23 CCR Chapter 9	CEC, SWRCB, San Diego RWQCB	Design, sizing, and construction of erosion and sediment controls
	5.4 Water Resources	State	California Water Code § 461; California	SWRCB	Water conservation and reuse

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Table 6.5-1 Summary of Environmental LORS Applicable to Palomar Energy Project (cont'd)

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirement
	(5.4-5 to 5.4-6),		Constitution, Article 10 § 2		
	5.4 Water Resources (5.4-12 to 5.4-16),	State	State Water Resources Control Board, Resolution 75-58	SWRCB, CEC	Use and disposal of inland waters for power plant cooling
	5.4 Water Resources (5.4-12 to 5.4-16),	State	California Public Resources Code § 25523(a), 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2 Subchapter 5. Article 1, Appendix B, Part (1).	CEC	Consider water resources and water quality in Decision
	5.4 Water Resources (5.4-15)	Local	Art. 22, Industrial Waste Water Discharges	City of Escondido	Discharges of waste water into the HARRF
Geological Resources and Hazards	5.5 Geological Resources and Hazards (5.5-9 to 5.5-11)	Federal	Uniform Building Code	City of Escondido	Design criteria for seismic design and load bearing capacity
	5.5 Geological Resources and Hazards (5.5-9 to 5.5-11)	State	California Building Code	City of Escondido	Design criteria for seismic design and load bearing capacity
	5.5 Geological Resources and Hazards (5.5-9 to 5.5-11)	Local	City of Escondido, Design Standards	City of Escondido	Building Standards and Grading Permits

Table 6.5-1 Summary of Environmental LORS Applicable to Palomar Energy Project (cont'd)

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirement
Agriculture and Soils	5.4 Water Resources (5.4-12 to 5.4-16), Ag and Soils (5.6-7 to 5.6-10)	Federal	Clean Water Act of 1977 (including its 1987 amendments) 33 USC § 1342; 40 CFR Parts 122-136	SWRCB, San Diego RWQCB	Discharges (including erosion/sedimentation) to surface waters
	5.6 Ag and Soils (5.6-7)	State	California Public Resources Code § 25523(a); CCR §§ 1752, 1752.5, 2300-2309, and Chapter 2,-Subchapter 5. Article 1. Appendix B. Part (i).	CEC	Consider agriculture and soils in Decision
	5.4 Water Resources (5.4-12 to 5.4-16), Ag and Soils (5.6-7 to 5.6-10)	State	The California Porter-Cologne Water Quality Control Act of 1972, California Water Code § 13260 - 13269; 23 CCR Chapter 9	CEC, SWRCB, San Diego RWQCB	Erosion and sedimentation control
	5.6 Ag and Soils (5.6-7)	Local	City of Escondido, Escondido General Plan.	City of Escondido	Agricultural land policies
	5.6 Ag and Soils (5.6-11)	Local	City of Escondido, Grading Requirements	City of Escondido	Grading permits
Land Use	5.7 Land Use (5.7-11 to 5.7-12)	State	California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 – 2309, and Chapter 2. Subchapter 5, Appendix B, Part (I)(3) and (4)	CEC	Consider land use plan compatibility in Decision
	5.7 Land Use (5.7-11 to 5.7-12)	Local	City of Escondido General Plan, Quail Hills Specific Plan/Escondido Research and Technology Center Specific Plan	City of Escondido	Land use policies, plans and requirements

6.0 Laws, Ordinances, Regulations and Standards (LORS)

Table 6.5-1 Summary of Environmental LORS Applicable to Palomar Energy Project (cont'd)

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirement
	5.7 Land Use (5.7-12)	Local	City of Escondido Zoning Code	City of Escondido	Land use regulations
Socioeconomics	5.8 Socioecon. (5.8-17 to 5.8-18)	Federal	Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"	EPA, CEC	Disproportionate impacts on minority and/or low income populations
	5.8 Socioecon. (5.8-17 to 5.8-18)	State	California Education Code § 17620; California Gov. Code § 65955 <i>et seq.</i>	City of Escondido	School impact fees
	5.8 Socioecon. (5.8-9 to 5.8-18)	State	California Environmental Quality Act; California Public Resources Code § 25523(a)i 20 CCR &§ 1752, 1752.5, 2300 - 2309, and Chapter 2. Subchapter 5, Appendix B, Part (i); 14 CCR § 15131	CEC	Consider economic and social effects
Noise	5.9 Noise (5.9-6 to 5.9-14)	Federal	Noise Control Act of 1972, 42 USC & 4901 <i>et seq.</i> ; 40 CFR Parts 201-211	EPA	Noise emission performance standards and noise levels that jeopardize human health and welfare
	5.9 Noise (5.9-8 to 5.9-14)	Federal	EPA 1974 Noise Guidelines	Not applicable (advisory only)	Recommended noise standards
	5.9 Noise (5.9-6 to 5.9-14)	Federal	Occupational Safety and Health Act of 1970, (29 CFR & 1910 <i>et seq.</i>)	Fed-OSHA	Occupational noise exposure
	5.9 Noise (5.9-6 to 5.9-14)	State	California Environmental Quality Act (CEQA); California Public Resources Code, Section 2100 <i>et seq.</i>	CEC	Includes noise level increase as potential significant impact
	5.9 Noise	State	California Vehicle Code, Sections 23130	CHP,	Motor vehicle noise limits

Table 6.5-1 Summary of Environmental LORS Applicable to Palomar Energy Project (cont'd)

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirement
	(5.9-15)		and 23130.5	Escondido Police Department	enforcement
	5.9 Noise (5.9-6 to 5.9-14)	Local	City of Escondido General Plan, Community Protection and Safety Element, Section E, Noise	City of Escondido	Noise guidelines for new development
	5.9 Noise (5.9-6 to 5.9-14)	Local	Escondido Municipal Code, Article XI, Sections 17-216 through 17-249, "Noise Abatement And Control" March 1990	City of Escondido	Noise limits at receiving property lines by land use types
Visual Resources	5.10 Visual Resources (5.10-20)	State	California Environmental Quality Act (CEQA); California Public Resources Code, Section 2100 <i>et seq.</i>	CEC	Includes substantial negative aesthetic effect as significant impact
	5.10 Visual Resources (5.10-20)	Local	City of Escondido General Plan, Quail Hills Specific Plan (City of Escondido/ Escondido Research and Technology Center Specific Plan)	City of Escondido	Visual resources policies, and guidelines and standards for development
Traffic and Transportation	5.11 Traffic (5.11-16 to 5.11-18)	Federal	40 CFR Chapter 11, Subchapter C and Chapter 111, Subchapter B	Caltrans	National safety standards and national standards for transportation of hazardous materials
	5.11 Traffic (5.11-20)	State	California Vehicle Code 35780; California Streets and Highways Code 117 and 660-711; 21 CCR 4 1411.1-1411.6	Caltrans	Oversize loads permits
	5.11 Traffic (5.11-16 to 5.11-18)	State	California Vehicle Code 31300 <i>et seq.</i> , 31030, 31600-31620, 34000-34121	Caltrans	Regulations for transport of hazardous, explosive,

6.0 Laws, Ordinances, Regulations and Standards (LORS)

Table 6.5-1 Summary of Environmental LORS Applicable to Palomar Energy Project (cont'd)

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirement
					flammable/combustible materials and/or wastes
	5.11 Traffic (5.11-20)	State	California Streets and Highways Code, Division 2, Chapter 5.5, Sections 1460-1470.	Caltrans	Oversize loads permits
	5.11 Traffic (5.11-11 to 5.11-18)	Local	2020 Regional Transportation Plan	San Diego Association of Governments (SANDAG)	Regional transportation goals, policies, objectives, and specific actions
	5.11 Traffic (5.11-11 to 5.11-18)	Local	Congestion Management Program	SANDAG	Guidelines for balanced transportation system considering, population and traffic growth, land use, traffic service standards, and air quality
	5.11 Traffic (5.11-11 to 5.11-18)	Local	City of Escondido General Plan Circulation Element	City of Escondido	Transportation goals and policies

Table 6.5-1 Summary of Environmental LORS Applicable to Palomar Energy Project (cont'd)

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirement
	5.11 Traffic (5.11-20)	Local	City of Escondido, Encroachment Permits	City of Escondido	Permits and traffic control plans for public roadway pipeline crossings and access
Hazardous Materials Handling and Hazardous Waste Management	5.13 Waste Management (5.13-4 to 5.13-7)	Federal	Resource Conservation and Recovery Act (RCRA), 42 USC § 6901 <i>et seq.</i> , 40 CFR Parts 260 – 272.	EPA CalEPA	Federal standards for generation and management of solid waste
	5.12 Haz Mat Handling (5.12-8 to 5.12-12) and 5.13 Waste Management (5.13-4 to 5.13-7)	Federal	CERCLA (Superfund), 42 USC 9601 <i>et seq.</i> 40 CFR 302 as amended by SARA (1986)); EPCRA 42 USC § 11001 <i>et seq.</i> ; 40 CFR Parts 350, 355 and 370	EPA	Identification, reporting, notifications regarding hazardous substance, storage, handling, production, and release
	5.12 Haz Mat Handling (5.12-3 to 5.12-12) and 5.14 Worker Safety (5.14-1 to 5.14-8)	Federal	29 USC § 65129; CFR § 1910 <i>et seq.</i> and § 1926 <i>et seq.</i>	EPA, Cal-OSHA	Equipment standards for hazardous materials storage, handling, and worker protection in emergencies
	5.13 Waste Management (5.13-5 to 5.13-7)	Federal	29 USC § 65129; CFR § 1910 <i>et seq.</i> and § 1926 <i>et seq.</i>	CHP, Caltrans	Labeling hazardous waste truck shipments

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Table 6.5-1 Summary of Environmental LORS Applicable to Palomar Energy Project (cont'd)

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirement
	5.13 Waste Management (5.13-5 to 5.13-7)	State	Hazardous Waste Control Act of 1972, as amended; California Health & Safety Code 25100 <i>et seq.</i> ; 22 CCR § 66001 <i>et seq.</i>	EPA, CalEPA, San Diego County Environmental Health Dept.	Regulations for generation, storage, and preparation for shipment of hazardous wastes
	5.12 Haz Mat Handling (5.12-3 to 5.12-12)	State	8 CCR § 339; § 3200 <i>et seq.</i> , 5139 <i>et seq.</i> and 5160 <i>et seq.</i>	CEC	Listing and control of hazardous substances
	5.13 Waste Management (5.13-4 to 5.13-7)	State	California Public Resources Code § 25523(a); 20 CCR §§ 1752, 1752.5, 2300 - 2309, and Chapter 2. Subchapter 5. Article 1. Appendix B. Parts (c) and (1).	CEC	Include waste management and water quality protection per Health Risk Assessments in Decision
	5.12 Haz Mat Handling (5.12-8 to 5.12-12)	State	California Health & Safety Code §§ 25500 - 25543.3 19 CCR § 2720-2734	SD County Environmental Health Dept., Escondido Fire Department	Hazardous Material Business Plan; Risk Management Plan
	5.12 Haz Mat Handling (5.12-4 to 5.12-12)	State	California Accidental Release Program (CalARP), Cal. Health & Safety Code § 25531 <i>et seq.</i>	Escondido Fire Department	Chemical risk management
	5.12 Haz Mat Handling (5.12-3 to 5.12-12)	State	California Fire Code, Article 80 and others	Escondido Fire Department	Storage and handling of hazardous materials

Table 6.5-1 Summary of Environmental LORS Applicable to Palomar Energy Project (cont'd)

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirement
Non-Hazardous Waste Management	5.13 Waste Management (5.13-4 to 5.13-8)	Federal	Resource Conservation and Recovery Act (RCRA), 42 USC § 6901 <i>et seq.</i> , 40 CFR Parts 260 - 272.	EPA, Integrated Waste Mgmt. Board	Standards for management of solid waste
Public/Worker Health and Safety	5.14 Worker Safety (5.14-1 to 5.14-3)	Federal	OSHA, 29 USC § 651 <i>et seq.</i> , 29CFR § 1910 <i>et seq.</i> , 29 CFR § 1926 <i>et seq.</i>	Fed-OSHA Cal-OSHA	Occupational safety and health standards
	5.14 Worker Safety (5.14-1 to 5.14-8)	Federal	§ 333 Contract Work Hours and Standards Act 40 USC 327 <i>et seq.</i>	Fed-OSHA Cal-OSHA	Safety and health standards for construction
	5.12 Haz Mat Handling (5.12-5)	Federal	CERCLA, 42 USC §9601 <i>et seq.</i> 40 CFR part 302	EPA Region IX	Notification for Hazardous Substance Release
	5.12 Haz Mat Handling (5.12-5 to 5.12-12)	Federal	EPCRA, 42 USC §11001 <i>et seq.</i> 40 CFR Parts 350, 355, and 370	California Office of Emergency Services (OES), Escondido Fire Department	Inventory, planning and reporting for hazardous and acutely hazardous substances
	5.14 Worker Safety (5.14-1 to 5.14-8)	State	Calif. Labor Code Div 5, Parts 1, 3, 6, 7: Title 8	Cal-OSHA	Occupational safety and health standards
	5.15 Public Health (5.15-11 to 5.15-16)	State	Calif. Public Resources Code § 25523(a); 20 CCR 1752-1752.5, 2300-2309, and Division 2, Chapter 5, Article 1, Appendix B.	CEC	Requires Health Risk Assessment

6.0 Laws, Ordinances, Regulations and Standards (LORS)

Table 6.5-1 Summary of Environmental LORS Applicable to Palomar Energy Project (cont'd)

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirement
	5.12 Haz Mat Handling (5.12-5 to 5.12-12)	State	California Health and Safety Code § 25500 to 25541; 19 CCR §§ 2720-2734.	California OES Escondido Fire Department	Inventory, planning and reporting for hazardous and acutely hazardous substances
	5.15 Public Health (5.15-3 to 5.15-16)	State	California Health and Safety Code, Part 6, § 44300 <i>et seq.</i>	CARB SD APCD	Air toxics inventory and risk assessment
	5.12 Haz Mat Handling (5.12-4 to 5.12-12)	State	California Health and Safety Code § 25500 <i>et seq.</i> ; Title 19, Division 2, Chapter 4.5	Escondido Fire Department	CalARP Program
	5.12 Haz Mat Handling (5.12-3 to 5.12-12)	State	California Fire Code, Article 80.	CEC, Escondido Fire Department	Storage and handling of hazardous materials
	Appendices A-1 and A-2 Foundations, Civil, Seismic and Structural Engineering Design Criteria	State	Title 24 California Code of Regulations Section	City of Escondido	Standards for structures' design, construction and quality of materials
	5.12 Haz Mat Handling (5.12-3 to 5.12-12)	Local	City of Escondido Zoning Ordinance, Article 26, Industrial Zones	Escondido Fire Department	Hazardous Materials/Safety Compliance Plans

Table 6.5-1 Summary of Environmental LORS Applicable to Palomar Energy Project (cont'd)

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirement
	Appendices D-3, D-4, and D-5, Mechanical, Control Systems, and Electrical Engineering Design Criteria	Industry	Uniform Fire Code	CEC, Escondido Fire Department	Fire safety and property protection standards
Cultural Resources	5.16 Cultural Resources (5.16-11 to 5.16-19)	Federal	National Historic Preservation Act of 1966 (NHPA), as amended; 16 USC 470 <i>et seq.</i> , § 106; 36 CFR 800	US Army COE, SHPO	Policy and programs for historic resources preservation
	N/A	Federal	Native American Graves Protection and Repatriation Act of 1990 , 25 USC 3001	N/A	Protects Native American graves on federal land (not applicable)
	5.16 Cultural Resources (5.16-16)	Federal	American Indian Religious Freedom Act of 1979, 42 USC 1996.	US Army COE	Protect Native American religious freedom
	5.16 Cultural Resources (5.16-17 to 5.16-19)	Federal	Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (September 29, 1983).	US DOI, US Army COE	Non-regulatory guidelines for gathering and treatment of cultural resources data
	5.16 Cultural Resources (5.16-17 to 5.16-19)	Federal	Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (September 29, 1983).	US DOI, US Army COE	Non-regulatory guidelines for gathering and treatment of cultural resources data

6.0 Laws, Ordinances, Regulations and Standards (LORS)

Table 6.5-1 Summary of Environmental LORS Applicable to Palomar Energy Project (cont'd)

LORS Section	AFC Section	Jurisdiction	Authority	Administering Agency	Requirement
Paleontological Resources	5.16 Cultural Resources (5.16-17 to 5.16-19)	State	California Register of Historical Resources; California Public Resources Code § 4850 <i>et seq.</i>	SHPO	Significant historical sites
	5.16 Cultural Resources (5.16-16)	State	Public Resource Code 5097.98; California State Health and Safety Code § 7050.5.	San Diego County Coroner	Discovery of Native American remains
	5.16 Cultural Resources (5.16-11 to 5.16-19)	State	City of Escondido General Plan, Community Open Space and Conservation Element	City of Escondido	Policies encouraging archaeological assessment and preservation
	5.17 Paleo Resources (5.17-2 to 5.17-4)	State	California Environmental Quality Act (CEQA); California Public Resources Code, § 2100 <i>et seq.</i>	CEC	Environmental consequences on scientifically significant objects/sites
	5.17 Paleo Resources (5.17-2 to 5.17-4)	State	Warren Alquist Act (Public Resources Code § 2500 <i>et seq.</i>	CEC	Protect paleontological resources